

1 JOSEPH P. RUSSONIELLO (CABN 44332)
 2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973)
 4 Chief, Criminal Division

5 JOSHUA HILL (CABN 250842)
 6 Assistant United States Attorney

7 1301 Clay Street, Suite 340S
 8 Oakland, California 94612
 9 Telephone: (510) 637-3740
 10 Facsimile: (510) 637-3724
 11 E-Mail: Joshua.Hill2@usdoj.gov

12 Attorneys for the United States of America

FILED

AUG 15 2008

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

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 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13
 14 UNITED STATES OF AMERICA,) No. CR-08-070470 WDB
 15 Plaintiff,) No. CR-08-070461 WDB
 16 vs.) 4-
 17 JOSE ANTONIO AGUILAR ESQUITVEL,) STIPULATION AND [PROPOSED]
 18 Defendant.) ORDER REGARDING WAIVER OF TIME
 19) PROVISIONS OF RULE 5.1 AND 18 U.S.C.
 20) § 3161(b) AND SETTING DATE FOR
 21) STATUS HEARING
 22)
 23)
 24)
 25)
 26)

20 IT IS HEREBY STIPULATED between the plaintiff through its attorney, Joshua Hill,
 21 and the defendant through his attorney, Mike McDonnell, that the next hearing on the status of
 22 this matter shall be set for September 10, 2008 at 10:00 a.m. Defendant and his counsel continue
 23 to waive the provisions of Rule 5.1(c) of the Federal Rules of Criminal Procedure requiring a
 24 preliminary hearing to be held within 10 days of his initial appearance and 18 U.S.C. § 3161(b)
 25 requiring an indictment to be filed within thirty days from the date of arrest. Defendant has
 26 recently retained new counsel. Therefore, defendant's waiver is based on the need for continuity

1 of counsel and reasonable time necessary for effective preparation. The defense agrees that the
2 waiver covers all time between August 5, 2008 and September 10, 2008.

3 IT IS SO STIPULATED:

4 Dated: August 15, 2008

/s/ Mike McDonnell

MIKE McDONNELL

Attorney for Defendant

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7 Dated: August 15, 2008

/s/ Joshua Hill

JOSHUA HILL

Assistant United States Attorney

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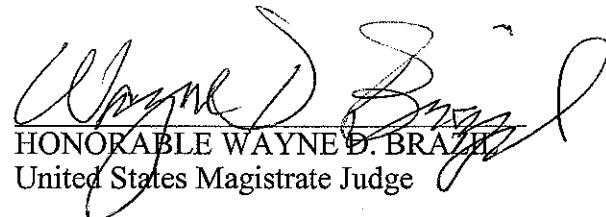
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ORDER

11 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that time limits under
12 Rule 5.1(c) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(b) are waived, and
13 the parties shall appear for a status hearing in this matter on September 10, 2008 at 10:00 a.m.

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15 Dated: August 15, 2008



HONORABLE WAYNE D. BRAZIL
United States Magistrate Judge

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